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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,254	07/29/2003	Peter Robert Neuwald	P23662	5431

  

7055	7590	12/20/2007
GREENBLUM & BERNSTEIN, P.L.C.		
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EXAMINER	
BRUCKART, BENJAMIN R	

  

ART UNIT	PAPER NUMBER
2155	

  

NOTIFICATION DATE	DELIVERY MODE
12/20/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/628,254

Applicant(s)

NEUWALD ET AL.

Examiner

Benjamin R. Bruckart

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: None.  
Claim(s) rejected: 1-25.  
Claim(s) withdrawn from consideration: None.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: This advisory is to replace the erroneous advisory mailed 12-13-07 and confirmed by telephone call with Josh Povsner.

Applicant argues the Black reference does not teach the limitations of claim 1 specifically

- 1) Integrating a resource adaptor with the j2ee application server, the resource adaptor comprising an encapsulated CORBA interface
- 2) The j2ee server is not remote from the corba server
- 3) The connection between the j2ee and corba server is persistent

In response, the examiner respectfully submits:

- 1) "Integrating a resource adaptor with the j2ee application server, the resource adaptor comprising an encapsulated CORBA interface" is addressed in Black: pages 5-6, para 60-63; Fig. 5A-5B where the functionality of a connection is made between the CORBA server and the J2EE server. The resource adapter is the interface between the two modules. The encapsulating the CORBA interface is the instance of the EJB in which the CORBA calls. As Black has shown, it is the resource adaptor (local interface) is integrated with the j2ee application server and comprises an encapsulated corba interface because of the instantiation and EJB. By the Figure, you can see the tag 560 shows its integrated with the j2ee server. The corba encapsulation allows it to operate without translation see last line of page 6, para 63.
- 2) Referring to Fig. 5b, the CORBA enterprise information system is denoted as tag 540a and the J2EE server is denoted by tag 560. Pages 5-6. paragraphs 60-63 reinforce the mapping that the CORBA server creates a connection with the J2EE server bridging the connection and interpreting commands between the two. Being housed within the same container 530a does not change the notion that both entities are remote from eachother and the fact that they must call and instantiate suggests independent and remote functionality.
- 3) Applicant argues the limitation of claim 1 in addressing the adjective "persistent" in relation to Black. Black teaches in page 6, para 62 the exchanges between the modules the connection made between the CORBA system and the J2EE module. This connection is interpreted as 'persistent' and applicant has not defined the word to mean anything other than the interpretation given. .